

**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS
Grants & Denials List**

Monday, November 22, 2010

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
NONE				
<u>Knoxville</u>				
Discover Bank v. Joy A. Morgan E2009-01337-SC-R11-CV	Sevier County Circuit Court Judge Richard R. Vance No. 2006-0172-II	Swiney, J., Affirmed in Part; Vacated in Part	Rule 11	Granted - Application of Discover Bank (Order filed 11-10-2010; CORRECTED Order attached hereto)
<u>Jackson</u>				
NONE				

**SUPREME COURT OF TENNESSEE
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Gary Wayne Armstrong M2009-02482-SC-R11-CD	Marshall County Circuit Court Judge Robert Crigler No. 2009-CR-33	Witt, J., Affirmed	Rule 11	Denied - Application of Gary Wayne Armstrong (Order filed 11-17-2010)
Shirley Ann Atkinson, Administrator of the Estate of Robert Lee Pattee, Jr., Deceased v. State of Tennessee M2009-02587-SC-R11-CV	Tennessee Claims Commission Stephanie R. Reeves, Commissioner No. D20400245	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of Shirley Ann Atkinson (Order filed 11-16-2010)
State of Tennessee v. Mickey Earl Brown M2009-00786-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-A-538	Tipton, J., Affirmed	Rule 11	Denied - Application of Mickey Earl Brown (Order filed 11-17-2010)

State of Tennessee v. James G. Coons, II M2009-01361-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-B-893	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of James G. Coons, II (Order filed 11-17-2010)
Sarrah Hewlett v. State of Tennessee M2009-00379-SC-R11-PC	Robertson County Circuit Court Judge John Gasaway, III No. 99-0277	Woodall, J., Affirmed	Rule 11	Denied - Application of Sarrah Hewlett (Order filed 11-17-2010)
State of Tennessee v. Perry Avram March M2007-00701-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2005-D-2854	McLin, J., Affirmed	Rule 11	Denied - Application of Perry Avram March (Order filed 11-17-2010)
Michael J. Sandler v. Estate of Raymond L. Danner, et al. M2010-01934-SC-S10-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 07-1562-I	Per Curiam, Rule 10 Denied	Rule 10	Denied - Application of Michael J. Sandler; (Koch, J., not participating) (Order filed 11-17-2010)
Water Authority of Dickson County v. Charles B. Hooper, et al. M2009-01548-SC-R11-CV	Dickson County Circuit Court Judge Larry J. Wallace No. CV-1594	Dinkins, J., Vacated and Remanded	Rule 11	Denied - Application of Water Authority of Dickson County (Order filed 11-17-2010)
Water Authority of Dickson County v. Gene C. Hooper, et al. M2009-01342-SC-R11-CV	Dickson County Circuit Court Judge Larry J. Wallace No. CV-1593	Dinkins, J., Vacated and Remanded	Rule 11	Denied - Application of Water Authority of Dickson County (Order filed 11-17-2010)
State of Tennessee v. Hollena Arlene West M2008-02200-SC-R11-CD	Putnam County Criminal Court Judge Leon Burns No. 07-0913	Woodall, J., Affirmed	Rule 11	Denied - Application of Hollena Arlene West (Order filed 11-17-2010)

State of Tennessee v. William Robert Wilson M2009-01146-SC-R11-CD	Putnam County Criminal Court Judge Leon Burns No. 08-0464	Smith, J., Affirmed	Rule 11	Denied - Application of William Robert Wilson (Order filed 11-17-2010)
<u>Knoxville</u>				
State of Tennessee v. Gabriel Cordova Delarosa E2008-01940-SC-R11-CD	Knox County Criminal Court Judge Mary B. Leibowitz No. 88414	Ogle, J., Affirmed	Rule 11	Dismissed - Application of Gabriel Cordova Delarosa; <i>The opinion of the Court of Criminal Appeals and any orders issued subsequent to that opinion are designated “not for citation.”</i> (Order filed 11-17-2010; please read attached copy for specifics)
First Peoples Bank of Tennessee v. James L. Hill E2009-02067-SC-R11-CV	Jefferson County Chancery Court Judge Telford E. Forgety, Jr. No. 07-039	Susano, J., Affirmed in Part; Vacated in Part	Rule 11	Denied - Application of James L. Hill (Order filed 11-17-2010)
Thomas M. Gautreaux v. Chattanooga- Hamilton County Hospital Authority E2009-00367-SC-R11-CV	Hamilton County Chancery Court Judge Howell N. Peoples No. 08-0946	McClarty, J., Affirmed and Remanded	Rule 11	Denied - Application of Thomas M. Gautreaux (Order filed 11-16-2010)
Tracy Lynn Harris v. Jim Worthington, Warden E2008-02363-SC-R11-HC	Morgan County Criminal Court Judge E. Eugene Eblen No. 9240	Thomas, J., Affirmed	Rule 11	Denied - Application of Tracy Lynn Harris (Order filed 11-17-2010)
Jimmy E. Holt, et al. v. Shawn R. Wilmoth E2009-00876-SC-R11-CV	Jefferson County Chancery Court Judge Rex H. Ogle No. 07-075	Susano, J., Reversed and Remanded	Rule 11	Denied - Application of Shawn R. Wilmoth (Order filed 11-17-2010)

Billy Ray Irick v. State of Tennessee E2010-01740-SC-R11-PD	Knox County Criminal Court Judge Richard R. Baumgartner No. 36992	Witt, J., Ogle, J. and Thomas, J., Dismissed Motion to Re-open	Rule 11	Denied - Application of Billy Ray Irick; Denied - Motion for Consideration of Post-Judgment or Non-Record Facts of Billy Ray Irick (Order filed 11-17-2010)
State of Tennessee v. Elizabeth Gay Tindell E2008-02635-SC-R11-CD	Hamilton County Criminal Court Judge Don W. Poole No. 261238	Ogle, J., Affirmed	Rule 11	Denied - Application of Elizabeth Gay Tindell (Order filed 11-17-2010)
<u>Jackson</u>				
State of Tennessee v. Alejandro Chevo Guana a.k.a. Alejandro Chevo Gouna W2008-01304-SC-R11-CD	Tipton County Circuit Court Judge Joseph H. Walker No. 5561	Ogle, J., Affirmed	Rule 11	Denied - Application of Alejandro Chevo Guana (Order filed 11-18-2010)
Franklin Howard v. State of Tennessee W2009-00279-SC-R11-PC	Shelby County Criminal Court Judge John T. Fowlkes No. 95-07822	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Franklin Howard (Order filed 11-18-2010)
State of Tennessee v. Charles Laten Howell, III W2009-02032-SC-R11-CD	Tipton County Circuit Court Judge Joe H. Walker, III No. 6234	Welles, J., Affirmed	Rule 11	Dismissed as Untimely - Application of Charles Laten Howell, III (Order filed 11-18-2010)
Mattie M. Lindsey, et al. v. Mark Lambert, et al. W2009-01586-SC-R11-CV	Shelby County Circuit Court Judge Donna M. Fields No. CT-004874-07	Farmer, J., Affirmed in Part; Vacated in Part and Remanded	Rule 11	Denied - Application of Mattie M. Lindsey and Edmond L. Lindsey (Order filed 11-18-2010)

Eric P. Lumpkin v. State of Tennessee W2009-01738-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 03-08391	Glenn, J., Affirmed	Rule 11	Denied - Application of Eric P. Lumpkin (Order filed 11-18-2010)
State of Tennessee v. Abron Spraggins W2009-01073-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan No. 08-02312	Glenn, J., Affirmed	Rule 11	Denied - Application of Abron Spraggins (Order filed 11-18-2010)
Sherry Tanner v. Whiteco, L.P., et al. W2009-01265-SC-R11-CV	Shelby County Chancery Court Judge Arnold B. Goldin No. CH-04-1248-2	Stafford, J., Affirmed	Rule 11	Denied - Application of Sherry Tanner (Order filed 11-18-2010)
State of Tennessee v. Johnny Tate W2008-02503-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 07-08398	Williams, J., Affirmed	Rule 11	Denied - Application of Johnny Tate (Order filed 11-18-2010)
State of Tennessee, ex rel., The Commissioner of the Department of Transportation v. William H. Thomas, Jr. W2008-00853-SC-R11-CV	Shelby County Chancery Court Judge Walter L. Evans No. CH-07-0454-1	Kirby, J., Reversed, Counterclaim Dismissed and Remanded	Rule 11	Denied - Application of William H. Thomas, Jr. (Order filed 11-18-2010)
State of Tennessee v. Patrick Trawick W2008-02675-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey Nos. 02-08616 and 02-08617	Thomas, J., Affirmed	Rule 11	Denied - Application of Patrick Trawick (Order filed 11-18-2010)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. GABRIEL CORDOVA DELAROSA

Criminal Court for Knox County
No. 88414

No. E2008-01940-SC-R11-CD

ORDER

After further consideration, the Court has determined that the application for permission to appeal was improvidently granted. Accordingly, the appeal is dismissed. The opinion of the Court of Criminal Appeals and any orders issued subsequent to that opinion are designated “not for citation.” The costs of this appeal are assessed against the applicant, Gabriel Cordova Delarosa, for which execution may issue, if necessary.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

DISCOVER BANK v. JOY A. MORGAN

**Circuit Court for Sevier County
No. 2006-0172-II**

No. E2009-01337-SC-R11-CV

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Discover Bank, and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM